

ADVISORY OPINION 93-017

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

August 18, 1993

Hon. Stephen G. Horner, Treasurer
Jefferson Democratic Executive Committee
2504 Goldsmith Lane
Louisville, Kentucky 40218-1021

Dear Mr. Horner:

Thank you for contacting the Registry. The facts of your question may be stated as follows:

The Executive Committee of the Jefferson County Democratic Party expects to receive contributions from persons who have contributed \$500 to local Democratic candidates for elective office in the 1993 general election.

Your question may be stated as follows:

May the Jefferson County Democratic Executive Committee accept a contribution from a person who has contributed the maximum of \$500 to any local candidate where the executive committee is financially supporting a recipient candidate during the relevant election?

The answer to your question is qualified yes. The limitations that the Registry of Election Finance would apply to your question are as follows:

1. KRS 121.150(12) expressly prohibits one person from contributing to a candidate with money given by another person for the purpose of contributing to a candidate. In other words, when the Jefferson County Democratic Executive Committee receives any contribution from a person, the contribution becomes executive committee money by operation of law. A person cannot designate or earmark contribution money to be given to a specific candidate. Any attempt to earmark such a contribution would constitute a violation of Kentucky campaign finance law.
2. KRS 121.150(11) sets an absolute contribution limit from a person to a state executive committee and its subdivisions of \$2,500. Further, this subsection of the statute specifically states that only \$1,000 of the maximum \$2,500 can be used in direct support of political candidates. KRS Chapter 121 places no limits on the amount of money a party executive committee may spend on a candidate for elective office in Kentucky. [Note that there are specific limits placed on amounts contributed to gubernatorial slates under KRS 121A.050(1).]
3. Under KRS 121.180(2), the Jefferson County Democratic Executive Committee is required to make full, regular reports to the Registry.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull
General Counsel

TES/dt